

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

LEO DICKERSON,

Defendant.

No. 20-cr-119-RSL

ORDER ON DEFENDANT'S MOTION
TO CHANGE PLEA VIA REMOTE
HEARING

I. ORDER

The court has reviewed Mr. Dickerson's motion, the record in this matter, and the applicable law. Being fully advised and finding oral argument unnecessary, the court GRANTS Mr. Dickerson's motion as more fully described below.

II. ANALYSIS

The Federal Rules of Criminal Procedure make no provision for a defendant to enter a guilty plea except while in open court. See generally Fed. R. Crim. P. Due to the COVID-19

ORDER GRANTING
MOTION FOR REMOTE HEARING
U.S.A. v. Dickerson, 20-cr-119-RSL

**CARNEY
GILLESPIE**

1 pandemic and the public health emergency, Congress enacted the Coronavirus Aid, Relief, and
 2 Economic Safety Act (“CARES Act”), which provides that certain criminal proceedings may
 3 proceed by video teleconferencing during the COVID-19 national emergency, including a guilty
 4 plea in a felony case. See CARES Act § 15002. To do so, the Judicial Conference of the United
 5 States first must find that the COVID-19 emergency will materially affect the functioning of the
 6 federal courts generally or a particular court. Id. § 15002(b)(2)(A). It has done so. See
 7 Administrative Office of the United States Courts, Judiciary News, Judiciary Authorizes
 8 Video/Audio Access During COVID-19 Pandemic (Mar. 31, 2020),
 9 <https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic>.

11 On March 30, 2020, this court fulfilled the second requirement of the CARES Act for
 12 permitting guilty plea hearings via video teleconferencing when it entered a finding “that felony
 13 pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencing under
 14 Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without
 15 seriously jeopardizing public health and safety.” See GO 04-20 at 2; see also CARES Act §
 16 15002(b)(2)(A).

17 Third, the CARES Act requires that the district court in the particular case must find “for
 18 specific reasons that the plea . . . in that case cannot be further delayed without serious harm to
 19 the interests of justice.” See CARES Act § 15002(b)(2)(A); see also GO 04-20. Accordingly, for
 20 the reasons set forth in Mr. Dickerson’s motion, the court finds that the plea hearing in this case
 21 “cannot be further delayed without serious harm to the interests of justice.” See CARES Act §
 22 15002(b)(2)(A). Absent intervention, Mr. Dickerson would not be able to participate in a guilty
 23 plea hearing until at least December 23, 2020, see GO 14-20 at 2, but the recent trajectory of the
 24

ORDER GRANTING
 MOTION FOR REMOTE HEARING
 U.S.A. v. Dickerson, 20-cr-119-RSL

CARNEY
 GILLESPIE
 PLP
 600 First Ave, Suite LL08
 Seattle, WA 98104
 206.445.0220 MAIN
 206.238.9987 FAX
 carneygillespie.com

1 pandemic suggests that another order imminently will extend the current restrictions on in-person
2 proceedings. Accordingly, the court GRANTS Mr. Dickerson's motion to proceed with his guilty
3 plea hearing via video teleconference.

4 **III. CONCLUSION**

5 Based on the foregoing analysis, and within the specific parameters set forth above, the
6 court GRANTS Mr. Dickerson's motion to proceed with a guilty plea hearing via video
7 teleconference.

8
9
10 DONE on January 4, 2021.

11 
12

13 Robert S. Lasnik
14 United States District Judge
15
16
17
18
19
20
21
22
23
24

ORDER GRANTING
MOTION FOR REMOTE HEARING
U.S.A. v. Dickerson, 20-cr-119-RSL

CARNEY
GILLESPIE
PLP
600 First Ave, Suite LL08
Seattle, WA 98104
206.445.0220 **MAIN**
206.238.9987 **FAX**
carneygillespie.com